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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 3227/2026 & CM APPL. 21278/2026

RAVINDER SINGH .....Petitioner

Through: Ms. Pallavi Awasthi and Ms. Vaibhavi Mittal, Advocate.

versus

INDIAN BANK & ANR. .....Respondents

Through: Mr. Rajesh Kumar Gautam, Ms. Likivi K. Jakhalu and Mr. Azal Aekram, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **06.04.2026**

CM APPL. 15567/2026 (*for grant of interim relief*)

1. Although the matter is listed today for hearing on the interim application, both the parties request that considering the nature of the relief sought in the present petition, it would be appropriate for the Court to decide the main petition itself. Accordingly, no separate order is being passed in the present application. With the consent of the counsels, the main writ petition is being called on the Board today itself.

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2. The Petitioner joined the Respondent Bank in the officer cadre on 19th July, 2010. The service record placed before this Court shows that, before the events in question, he had served at different stations under FGMO Chandigarh and FGMO Delhi and was posted as Branch Manager, Laxmi

Nagar Branch, on 16th January, 2024 after being transferred from Shanti Niketan Branch. The career-path extract also shows later entries reflecting "misconduct" in the profile after the suspension episode.

3. On 17th September, 2025, the Zonal Office called upon the Petitioner to explain continuous de-growth in business parameters at the branch. The Petitioner replied on 20th September, 2025. The Bank's stand is that the reply was unsatisfactory. The Petitioner's own subsequent reply dated 1st December, 2025 shows that he attributed the branch performance issues to operational delays at the Zonal Office level and denied any wilful disobedience.

4. On 21st October, 2025, the Zonal Manager sought permission from the Field General Manager to place the Petitioner under suspension. That request expressly stated that the proposed suspension was being recommended "to set an example" for field functionaries said to be underperforming and disobeying directions. Permission was granted on the same date. On 22nd October, 2025, the Petitioner was placed under suspension under Regulation 12 of the Indian Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 on the allegations of "wilful insubordination or disobedience" and "wilful slowing down in work performance", pending further action.

5. After the suspension, an explanation memo dated 20th November, 2025 and a further reminder dated 21st November, 2025 were issued, and the Petitioner submitted a reply on 1st December, 2025. That reply once again denied insubordination and sought to explain the business figures. These documents show that the explanatory exchange relied on by the Bank substantially followed, rather than preceded, the suspension order.

6. The matter then took a different turn. By communication dated 28th January, 2026, the Suspension Review Committee advised that the suspension may be revoked. Acting on that advice, the Zonal Manager revoked the suspension on 30th January, 2026. The revocation order, however, stated that it was "without any prejudice" to the Bank's right to proceed against the Petitioner, and directed him to report at Zonal Office, Delhi (South), as Senior Manager.

7. The revocation did not restore normalcy. On 6th February, 2026, immediately upon reporting at Zonal Office, Delhi South, the Petitioner was advised to report at Chittaranjan Park Branch "on deputation till further instructions". Four days later, on 10th February, 2026, a transfer order was issued posting him from Laxmi Nagar, Zonal Office Delhi South, to Kuvempu Nagar, Mysore, as Assistant Branch Manager. On 16th February, 2026, the Petitioner submitted a representation asserting that the sequence of suspension, revocation, deputation and transfer disclosed arbitrariness and a punitive design.

8. When the writ petition first came up, this Court, by order dated 13th March, 2026, recorded a *prima facie* opinion and directed that no precipitative action be taken pursuant to the transfer order. This Court also directed consideration of the Petitioner's representation and granted him a personal hearing on 16th March, 2026. The Bank's counter states that such hearing was given and that a reply was sent on 23rd March, 2026.

9. In the counter affidavit, the Bank accepts that the suspension stood revoked on 30th January, 2026. It nevertheless states that the matter of issuance of a chargesheet was still "engaging attention" of the Disciplinary Authority. The Bank further relies on Regulation 47 of the Indian Bank

Officers' Service Regulations, 1979 and on the transfer policy effective from 1st April, 2025 to defend the transfer. It also states that the posting at Kuvempu Nagar as Assistant Branch Manager is only an interim administrative arrangement and does not reduce the Petitioner in rank, seniority or emoluments.

Issues for determination

10. The controversy, in substance, gives rise to these questions:

i. Whether the challenge to the suspension order dated 22nd October, 2025 survives for adjudication after its revocation on 30th January, 2026, and, if not, what consequences must still follow from that order.

ii. Whether the transfer order dated 10th February, 2026 is a routine administrative transfer falling within the ordinary incidents of service, or whether, on the facts of this case, it bears a punitive colour that warrants interference in exercise of writ jurisdiction.

iii. Whether the Bank's service regulations and transfer policy justify the impugned action notwithstanding the Petitioner's incomplete branch tenure at Laxmi Nagar and the sequence of events immediately following revocation of suspension.

iv. What directions should follow with respect to the Petitioner's service record, the treatment of the suspension period, and the liberty of the Bank to pass a fresh order in accordance with law.

Analysis and findings

11. The law on transfer is well settled, and its starting point does not assist the Petitioner. A person holding a transferable post has no vested right to remain at one station. Courts do not sit in appeal over transfer orders. Interference is ordinarily confined to cases of *mala fides* or breach of a

statutory prescription. That principle runs through ***Shilpi Bose (Mrs) v. State of Bihar,***[1] ***Union of India v. S.L. Abbas,***[2] and the later restatement of the same line in ***N.K. Singh v. Union of India***.[3] The Supreme Court has repeatedly said that non-observance of executive instructions, by itself, does not create a legally enforceable right, though such instructions are not therefore irrelevant in judging whether the administration has acted fairly and for the purpose it professes.

12. The law is equally clear that transfer cannot be used as a disguised penalty. If the transfer rests on grounds not germane to administrative deployment, or if it is passed by way of or in lieu of punishment, judicial review is attracted. In ***Somesh Tiwari v. Union of India,***[4] the Supreme Court put the matter in plain terms: an employer may transfer in administrative exigencies, but it is a different matter altogether where the order is passed "by way of or in lieu of punishment". Such an order is liable to be set aside.

13. The law on suspension also begins from a position favourable to the employer. Suspension is not, by itself, a punishment. It is an interim measure. The employer is ordinarily entitled to keep a delinquent employee away from the workplace while contemplated proceedings, inquiry or investigation remain pending. At the same time, the Supreme Court has repeatedly cautioned that suspension is not to be made in a perfunctory fashion. Judicial review remains limited, but it is available where the action is *mala fide*, vindictive, baseless, or unsupported even by *prima facie*

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[1] 1991 Supp (2) SCC 659
[2] (1993) 4 SCC 357
[3] (1994) 6 SCC 98
[4] (2009) 2 SCC 592

material, and also where the authority keeps the employee under indefinite cloud without moving the matter forward with reasonable expedition.

14. The service framework within the Bank reflects those same themes. Regulation 12 of the Indian Bank Officer Employees' (Discipline & Appeal) Regulations, 1976 permits suspension where disciplinary proceedings are contemplated or pending. Regulation 6 contemplates that, where major penalty proceedings are pursued, definite and distinct charges together with statement of allegations, list of documents and witnesses must be communicated in writing to the officer employee. Regulation 15 then governs the pay consequences of suspension and provides, among other things, that where the competent authority holds the suspension unjustifiable, full pay and allowances are to follow and the period is to be treated as duty.

15. On transfer, Regulation 47 of the Bank of India (Officers') Service Regulations, 1979 makes every officer liable to be posted anywhere in India. The Bank's transfer policy, effective from 1st April, 2025, also proceeds on that basis. However, the policy does not stop there. It records a normal tenure of three years at a place of posting. It also states that mid-term transfers shall be considered only in cases of specific and administrative exigencies. Further, the internal SOP dated 13th May, 2025 states that Branch Managers shall normally have a tenure of three years in a branch and should not be transferred before completion of that tenure except for valid reasons. The same SOP also says that long deputations should be avoided and, where longer deployment is needed, transfer should be effected instead. The transfer policy preserves the Bank's power under Regulation 47 to transfer officers at any time for exigency or administrative requirement.

16. The Bank is therefore right in one limited aspect. The Petitioner could not insist on continuing at Delhi merely because he preferred to remain there. Nor can the SOP or the transfer policy be read so as to extinguish the statutory breadth of Regulation 47. To that extent, the grounds in the writ petition that proceed as though any all-India transfer was impermissible must fail.

17. This, however, does not conclude the matter. The question here is not whether the Bank had power to transfer. It certainly did. The question is whether this transfer, in the circumstances discussed above, can genuinely be accepted as an ordinary administrative deployment. On that question, the record raises serious concern.

18. First, the suspension recommendation dated 21st October, 2025 does not read like a neutral administrative note. It says, in terms, that suspension is being recommended "to set an example" for field functionaries said to be underperforming or disobeying directions. That is not the language of a narrowly tailored preventive measure intended to secure an inquiry. It reads much closer to exemplary correction than to interim protection of the process.

19. Second, while suspension need not be preceded by a full inquiry, the materials placed do not show any meaningful disciplinary follow-through after the drastic step was taken. The Bank says the matter of chargesheet was still "engaging attention" of the Disciplinary Authority even in its counter affidavit. The revocation was issued on 30th January, 2026. The Petitioner's representation dated 16th February, 2026 also states that no chargesheet had been served by then. Even in the counter, the Bank does not plead that a chargesheet had in fact been issued. It pleads only that the

matter remained under consideration. That prolonged uncertainty matters because suspension, though not punitive in form, does carry real service consequences and stigma.

20. The events following revocation of suspension occurred in such close succession and with such immediacy and continuity that they *prima facie* indicate a connected course of action rather than independent administrative decisions. The Petitioner resumed service on 30th January, 2026. He was then sent on deputation on 6th February, 2026. Four days later, he was transferred to Mysore as Assistant Branch Manager. This was not a transfer issued as part of the annual May-June exercise. Nor was it preceded by any disclosed material showing branch-wise surplus, vacancy balancing, special project need, or any other specific administrative trigger of the kind ordinarily expected when the employer invokes "administrative exigency".

21. Fourth, the Petitioner had not completed three years as Branch Manager at Laxmi Nagar. He had been posted there on 16th January, 2024. The SOP states that Branch Managers should normally have a tenure of three years and should not be shifted before then except for valid reasons. The Bank is correct that this SOP cannot defeat Regulation 47. However, it remains the Bank's own declared norm. Once the impugned action departs from it, the Bank must at least disclose some valid administrative reason. In the present record, no such reason is forthcoming beyond broad invocations of exigency and the backdrop of allegations of insubordination. That background is precisely what makes the transfer suspect.

22. Fifth, the Bank's own counter links the transfer to the "peculiar facts and circumstances" of this case, including the allegation that the Petitioner had misbehaved with the Zonal Manager. That pleading weakens, rather

than strengthens, the argument that the transfer was a clean and routine incidence of service. If the transfer is defended by reference to the very misconduct allegations that remain untested in disciplinary proceedings, the colour of the order shifts. It begins to look less like deployment and more like displacement in response to alleged misconduct. That is precisely the area in which ***Somesh Tiwari*** permits judicial review.

23. At the same time, this Court is unable to accept every limb of the Petitioner's case. The argument that the suspension was void merely because no pre-decisional hearing was granted cannot be accepted in such absolute terms. The law does not require a full prior hearing before every order of suspension. Nor does the material support the plea that the Zonal Manager was wholly lacking in competence. The Bank has placed on record both the permission sought from the Field General Manager and its stand that the Zonal Manager was the competent authority, with higher approval obtained "for good order". On the present record, it would not be correct to strike down the entire suspension episode on competence alone.

24. The real vice lies elsewhere. The Bank took a serious step on 22nd October, 2025. It then stepped back from that position on 30th January, 2026 after review, without showing that the disciplinary process had meaningfully advanced. Immediately thereafter, it placed the Petitioner on deputation and then sent him out of the zone to Mysore as Assistant Branch Manager. The chain is too close, too sequential and insufficiently explained to inspire confidence that the transfer was wholly disentangled from the suspension controversy. This Court is therefore not dealing here with a simple case of transfer of a transferable employee. This Court is dealing with a transfer that appears to have been shaped, at least in substantial measure, by unresolved

misconduct allegations and by the administrative handling of those allegations. That is enough to justify limited interference.

25. It must be emphasised that the Bank must remain free to deploy its officers according to institutional need. But it must do so through an order that stands on its own administrative footing and does not appear to be carrying forward the residue of a revoked suspension. The impugned transfer order cannot be sustained for that reason.

26. As regards the suspension order itself, that challenge has, in a formal sense, become infructuous because the order no longer operates. Still, its consequences have not vanished. The career-path material shows the imprint of "misconduct", and the Bank itself says that the question of chargesheet remained under consideration. A revoked suspension cannot be left to cast an indefinite shadow over service record and career progression while the employer keeps disciplinary action in a suspended state of contemplation. Regulation 15 specifically contemplates a decision on the treatment of suspension period and makes full pay payable where suspension is held unjustifiable. On the material presently before this Court, that decision cannot be left open-ended.

27. This Court is also not persuaded that compensation or damages should be awarded in writ jurisdiction on the present record. The case does justify corrective public law relief. It does not, at this stage, justify a monetary award of damages.

28. In view of the above discussion, the writ petition is partly allowed in the following terms:

28.1 The transfer order dated 10^{th} February, 2026 posting the Petitioner to Kuvempu Nagar, Mysore, as Assistant Branch Manager, together with all consequential relieving and posting directions flowing from that order, is set aside.

28.2 It is clarified that the Respondent Bank remains at liberty to pass a fresh order of posting or transfer in respect of the Petitioner, if administrative requirements so warrant. Any such order shall be passed by the competent authority, on an independent assessment, and shall not be founded upon, or appear to be founded upon, the unresolved allegations that formed the basis of the suspension dated 22nd October, 2025 unless those allegations are first carried into duly instituted disciplinary proceedings in accordance with the applicable regulations.

28.3 The challenge to the suspension order dated 22nd October, 2025 is rendered infructuous in view of the revocation order dated 30th January, 2026. Even so, the Respondents shall ensure that the revoked suspension does not continue to operate to the Petitioner's prejudice in service records, posting profile, promotional consideration, or any allied matter unless and until disciplinary proceedings are lawfully instituted and taken to their logical conclusion.

28.4 The competent authority shall, within six weeks, pass a reasoned order under the applicable regulations on the treatment of the suspension period from 22nd October, 2025 till the date of revocation and resumption. While doing so, the authority shall specifically address whether the suspension, in the facts that have since emerged, was unjustifiable within the meaning of the regulations.

28.5 If, as on the date of such decision, no chargesheet has been served upon the Petitioner in accordance with the Discipline and Appeal Regulations, the suspension period shall ordinarily be treated as duty for all consequential purposes, and the differential pay and allowances shall be released within a further period of four weeks, unless the competent authority records specific reasons, consistent with the regulations, for taking a different view.

28.6 No order is made for damages or compensation.

29. Before parting, this Court considers it necessary to add a word of caution. A bank is entitled to insist upon discipline, responsiveness and accountable performance from officers entrusted with managerial responsibility. It is equally entitled to deploy them across the country. But where allegations of insubordination are relied upon, the institution must choose a lawful track and pursue it with clarity. It may proceed departmentally. It may transfer for genuine administrative need. What it cannot do is allow those two tracks to blur into one another so completely that an otherwise permissible transfer begins to wear the face of an untested penalty. That is what has happened here.

30. Accordingly, the present petition is disposed of along with pending application(s).

31. The next date of hearing, i.e., 12th August, 2026 stands cancelled.

SANJEEV NARULA, J

APRIL 6, 2026/*hc*